



Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

Q79932

Mail Stop AF
Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Application Number

10/784,225

Filed

February 24, 2004

First Named Inventor

Nicolas NEYRET

Art Unit

2617

Examiner

Anthony S. ADDY

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

☒ I am an attorney or agent of record.

Registration number 56,995

Signature

Daniel Wooseob Shim

Typed or printed name

(202) 293-7060

Telephone number

October 4, 2006

Date



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79932

Nicolas NEYRET, et al.

Appln. No.: 10/784,225

Group Art Unit: 2617

Confirmation No.: 1584

Examiner: Anthony S. ADDY

Filed: February 24, 2004

For: A METHOD ENABLING A MOBILE USER SWITCHING FROM A PUBLIC TELECOMMUNICATION NETWORK TO A PRIVATE NETWORK TO RECEIVE CALLS VIA THE NETWORK MORE APPROPRIATE TO HIS LOCATION, AND DEVICES FOR IMPLEMENTING THE METHOD

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated May 4, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

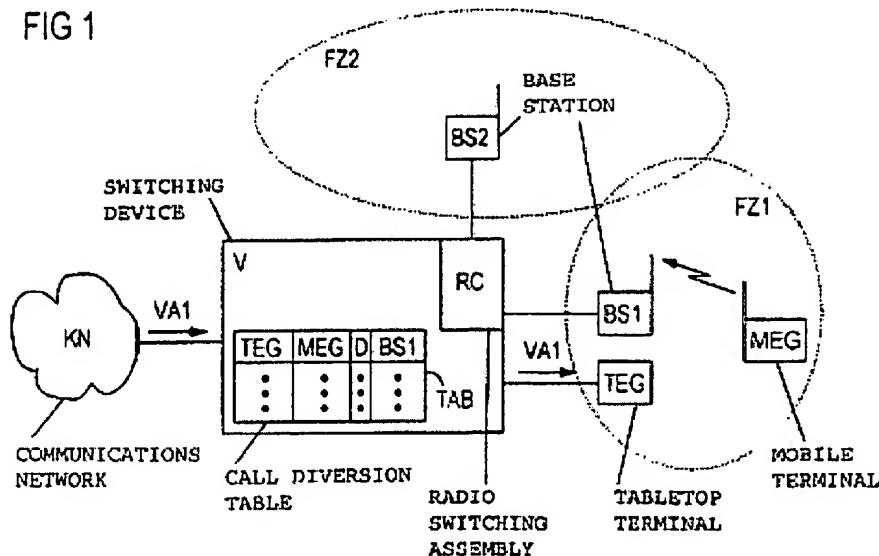
Applicant turns now to the rejections at issue:

1. The cited prior art reference "Amereller" fails to disclose each and every elements of independent claims 1 and 7

Claim 1 recites, *inter alia*, "a method enabling a mobile user... to switch between said *public* land mobile network and said *private* network." The Examiner continues to assert that the cited prior art reference Amereller discloses switching of calls between private and public networks (See Advisory Action: page 2). Applicant respectfully disagrees.

The Examiner's rationale seems to be based on the description in Amereller that the "base stations BS1 and BS2 may ... belong to the same or to different radio networks" (See Amereller: page 2, [0024]). However, Applicant again respectfully submits that such disclosure does *not* negate the fact that both BS1 and BS2 are connected to the same communication network KN. That is, while the base stations BS1 and BS2 may be implemented with different standards such as Bluetooth, DECT and GSM, such does not negate the plain fact that "[t]he base stations BS1 and BS2 are each coupled to a radio switching assembly RC of the switching device V," which thereby indicates that they are part of the same communications network KN which is a private network (See Amereller: [0009]; [0022]; [0025]).

The Examiner asserts that "the base station BS2 in radio cell FZ2 reads on a public land mobile network" (See Final Office Action: page 3). However, as shown below in Fig. 1 of Amereller, **FIG 1**



both BS2 and BS1 are plainly shown as being attached to the Switching Device V and the Communications network KN. As such, both FZ1 and FZ2 are *necessarily* part of the same overall network KN. Indeed, the call diversion system described in Amereller are directed to

forwarding of calls *within a workplace*, and therefore, is directed at best to a diversion of calls within a single *private* network (See Amereller: [0003], “Call diversion is often used to divert calls which are intended for a fixed terminal located at a user’s workplace to another terminal when the user leaves his workplace.”). While Amereller describes the use of different wireless standards such as Bluetooth, DECT and GSM, Applicant respectfully submits that Amereller is simply silent regarding any description of the networks FZ1 and FZ2 *each* being of different type.

As such, since the call diversion system described in Amereller is directed to a call forwarding between sub-networks *within* a private network, Applicant respectfully submits that Amereller fails to disclose or suggest at least “a method enabling a mobile user... to switch between said *public* land mobile network and said *private* network,” as recited in claim 1.

Further, it seems more likely that the base stations BS1 and BS2 would be of a common network type. For example, Amereller describes *both* BS1 and BS2 as utilizing the wireless standard of DECT (See Amereller: [0024], lines 1-3, “The base stations BS1 and BS2 may, for example, be in the form of DECT base stations (DECT: Digital Enhanced Cordless Telephony), which belong to the same or to different radio networks.”). As such, Applicant respectfully submits that the network type, once selected, will likely be of the same standard and type for FZ1 and FZ2.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentable over Amereller. Further, Applicant respectfully submits that claims 2, 3 and 4 are patentable at least by virtue of their dependency from claim 1.

With respect to independent claim 7, Applicant respectfully submits that claim 7 is patentable under the rationale analogous to those mentioned with respect to claim 1. In

particular, claim 7 recites, *inter alia*, “an activation unit which sends the *public land mobile network* a call forwarding activation message if the terminal at least able to connect to the *wireless local area network* is present in a coverage area of the wireless local area network...”
Therefore, Applicant respectfully submits that claim 7 is patentable over Amereller.

Claim Rejections - 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Amereller in view of Graham (U.S Patent Application No. 2003/0060215 A1; “Graham”).

Applicant respectfully submits that Graham fails to make up for the deficiencies of Amereller noted above. That is, Graham fails to teach or suggest at least switching calls between private and public networks of different standard and type. Graham plainly states that the system and method described in Graham takes place within a wireless communication system of a single type (See Graham: [0006]).

In view of the foregoing, Applicants respectfully submit that claim 5 is patentable over Amereller in view of Graham.

Respectfully submitted,



Daniel Wooseob Shim
Registration No. 56,995

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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